

From: Merle Akers

To: Parrott, John E (DOT)

Subject: Re: Closure Lake Hood Sea Plane Base (PALH) and Lake Hood Strip (Z41)

Date: Wednesday, March 23, 2011 4:09:47 PM

John regarding your response to my email on the subject of the Closure of North South on Lake Hood March 11th, 12th, 13th & 14th, and the March 17th, NOTAM closure of the Lake Hood Strip please make the follow part of the record.

To put the issue in context – The reason behind all this is that at the January 19th, 2011 Lake Hood Advisory Group meeting you were asked why the Lake Hood Sea Plane Base (PALH) was NOTAM Closed. {PALH had at that time been closed since sometime in October 2010.} The PALH closing NOTAM did not state the reason for the closing or when, if ever, it was to be reopened. The short version of your answer was there were unknown conditions on the lake and the State felt that using the lake in the winter time subjected the State to much exposure to liability.

Subsequently, you agreed to have a meeting not a meeting on reasons for the airport closures, but on Ski Operations.

1. You agreed to hold meeting on the subject and called for a Ski Meeting for the afternoon of February 9th.
2. I sent you an email suggesting that the meeting:
 - a) be in the evening so more pilots could attend and hear what was going on.
 - b) be run by disinterested neutral moderator
 - c) be recorded.
 - d) That the moderator be tasked with completing a summary of issues & preparing a document suggesting a course of action.
3. You rejected my suggestion.

There were meetings on February 9th and March 1, with a third meeting scheduled for March 29th at 2 p.m. There is no written or oral record of what was said at these meeting, or who spoke. I have given you oral and written comments (input) on the closure subject, all of which I want made part of the record.

That being said, if the past is any indication of the future I suspect little will actually come of these meetings.

Over the years airport management has never exhibited much willingness to change management practices and continue to state advise it will have no alternative except to make things worse if the community and the GA pilots continue to complain. Telling the GA pilots that you will not remove the snow from the Lake Hood Strip or groom the Lake (necessitating closing the them) until you have finished with runways and taxi ways at Anchorage International Airport is the treat most heard. No one believes that good management could not find in the Airpor inventory, one grader (used), one grader operator, and if needed one groomed operator whose job it would be to keep the Lake Hood Base from having to be closed due to lack of maintance.

At the first two meeting you and your airport staff gave a number of basic reasons in support of their decisions to NOTAM Close PALH as well as the Lake Hood strip (Z41)

Some of the reason given:

1. Staff cannot guarantee the surface will support aircraft.
2. We have no staff trained in assessing runways built on ice.
3. Staff cannot guarantee that the conditions that exist at one place are the same as at another, even if just a short distance away (5 feet). Each spot on the lake surface would have to be drilled and tested continually and there were not enough staff to perform this operation.
4. Staff has no way to get onto the lake to attest to is safety. (walking is not an option)
5. To open the Lake Hood Seaplane Base PALH places too much liability on the State. (You cited the example of a Taylor Aircraft incident that resulted in the State being sued. You offer no other information about the suit such as whether or not the plaintiff was successful. As I told you at the 2nd meeting (verbally and in writing), a review of the NTSB accident records showed no such accident.)
6. The Staff before it decides to open the facility must be assured that all the pilots that are going to use the facility have the training and experience to cope with operating aircraft on the lakes frozen surfaces. In addition the facility can only be open if in the opinion of staff, the least qualified of the pilots have demonstrated they can safely operate, based on the surface found at the time of staff inspection of the surface. (my view -To resolve this issue airport management would need to develop written criteria and hire check pilots or defer to the FAA to determine pilot qualifications.)

At the last meeting on March 1, there were suggestions as to how you might get the right training for your people plus help in developing policy and guides. I suggested considering engaging the University of Alaska or some other like agency who teaches artic engineering to help us out. You rejected that Idea.

{My view is The Airport management has had years to get a handle on this issue. It is a management problem and this problem is solvable if and when persons who want to solve the issue are put in charge.}

My response to your email appear below each of your paragraphs in large italic print

----- Original Message -----

From: Parrott, John E (DOT)
To: Merle Akers
Sent: Friday, March 18, 2011 2:10 PM
Subject: RE: Closure Lake Hood Sea Plane Base (PALH) and Lake Hood Strip (Z41)

Merle, Thank-you for asking for clarification recent events at the Lake. There will undoubtedly be some uncertainty if and when we change official procedures. When the draft Decision Memo is finalized we will be asking all the known user groups for assistance in getting the information out. I apologize if you were left with the impression that men and equipment on a surface was the only reason a surface would ever be closed. That was never our intention. I have responded to some of your more specific question below.

I do not believe the only reason for closing an active runway/waterlanes/or frozen waterlanes should be limited to when men and equipment are on the surface. There could be and likely are other justifiable reasons. No one in the room disagreed that there could be conditions that could conceivable warrant the closure of one or all of the operational surfaces. However, the only one condition that most, if not all agree warranted the closure of an active runway is when men and equipment were on it. Other conditions warranting closure were not identified in detail.

The reasons the airport has given for the closure –overflow – rough ice – can not guarantee the uniform thickness of the ice – snow is too deep –drifting snow - the surface is not groomed – ect. are subjective and without more detail do not warrant closure.

The pilots at the meetings who voiced an opinion clearly stated they preferred to have the runway/waterlanes/ or frozen waterlanes, open and to be advised of the surface conditions and let the pilots decide if the surface conditions were safe for them to use. The majority stated, if the conditions were unknown or could not be determined report that fact but do not close the facility for such a reason.

Most of the pilots in the room as I remember the meetings were opposed to the closing of the facility: (PALH & Z41) based on the way you have been doing it. To them the reasons used for closing the facility without more detail were not by subject definition alone reason for closing a facility.

- a) overflow.***
- b) rough ice***
- c) Drifting snow***
- d) Too much snow***
- e) Thin ice***
- f) Standing water***
- g) Conditions unknown or undeterminable***

(MY View- I believe the pilots will agree to using the above terms when justifying the closing a portion or all of the facility, providing there exists clear definitions of the terms accompanied by statements as how severe those kinds of conditions can get before they warrant closing the facility. Of course, I would expect the pilots to have approved the terms, definitions and statements prior to being adopted. No pilo should agree to these terms use until they see them in writing.)

If the overflow encroached on the depicted takeoff and landing surface or on to the safety area around that surface it is absolutely correct and proper to close that surface to operations. Partial closures are the exception, not the rule, on any managed airport and only when there are easily identifiable landmarks (such as taxiways) to delineate which portion of the surface may be used. The closure of the N/S channel until the overflow and new ice was not a factor was in accordance with sound airport operations. According to the US Department of Interior, rapidly formed ice may be too brittle for safe

use for some period of time.

Your statement “if the overflow” implies that the AIA staff did not know the extent of the problem. Why could your staff not determine if water affected the North/South and to what extent? There are plenty of drawings and aerial photos with the North/South landing area depicted that could be referenced to determine where the end of North/South is designated to be, thus determining if the south end of the North/South was actually impacted or impacted to the extent requiring the entire length to be closed.

The water was in the South cove of Lake Hood was on top of some 2+ feet of ice. As I stated in my email little, if any, was on the designated take off area. The Lake Hoods South Cove is in the designated overrun (safety) area for the Lake Hood North South Water /Ski Lane. Your statement says the water “encroached upon the safety area” was justification for closure. If water lying off the and way from the take off and landing surface justified the closure, then what about the deep snow that accumulates at the overrun areas of the Hood Lake Strip and the runways at Anchorage International Airport? Applying the logic you used for justifying the closure of the Lake Hood’s North/South which you claim are “sound airport operations practices” suggests the snow which has not been removed, must be removed from the overrun areas of the Lake Hood Strip and overrun areas of the runways of Anchorage International Airport and all other State owned airport, and until those overrun areas are free of impediments (deep snow) and are in suitable condition to be used by aircraft operating at those airports the runways should be closed, in keeping with “sound airport operations practice”.

This also suggest that some of the airstrips, in interior Alaska for example, that routinely experience flooding right up to edge of the runway that “sound airport management operations practices” would require that they be closed when such conditions are present. Is the state planning to, or does, it already close these airports when conditions described above occur? Or is Lake Hood Sea Plane Base the only airport that these State restrictions are going to apply at?

Regarding your statement about Department of Interior (DOI) and rapidly formed ice being too brittle, I want to read this document to make sure you and your staff are properly applying whatever the criteria is accurately to the situations that existed in the South Cove of Lake Hood on the weekend of March 13th. The conditions as I found them looked like 2-4 inches of water flood the South Cove the evening of Friday March 11th, with overnight temperatures in the teens and the airport management let it set 3+ days before declaring it safe according to the DOI guidelines.

Does the DOI document clearly state that the 2-4 inches of fresh water on top of 2+ feet of ice, with temperatures in the teens may be too brittle and unsafe? And how long must it sit before it is safe to use? 3 days?

The decision memo that you mention has not been published or distributed since we have not had a chance to discuss it with the users as you have so often requested. Some operational changes are taking place in small steps to ensure that we are not going to have too many unintended consequences. As an example that you noted, the entire lake was not closed due to this localized event.

Did you catch in my email when I spoke about not stating a reason for the closure of the strip (Z41) or giving a time when it would be open? Why is such information not being given out? You gave plenty of information in Anchorage International Airport NOTAM making sure it was clear that the airport, while it may have to close one or more runways, pilots were being assured there would be an open runway when they arrive or decided to depart. Why can’t the same kind of treatment be extended to the GA pilots using the Lake Hood Seaplane Base and Lake Hood Strip?

I cannot tell from your email if you are pleased or upset by the fact that the ATIS was not stating “all operations would be at the pilot’s risk”. Since the N/S channel was closed for a specific safety related reason that would have been inappropriate. The N/S channel was closed to takeoff and landing operations. If the new agreement between the Airport and ATCT (the draft Decision Memo) results in “closed means closed” then pilots may not be allowed to take off at their own risk on such surfaces and could face FAA punishment if their actions were deemed by the FAA to be unsafe. Further explanation of how that might happen would best be provided by the FAA.

If closed does not mean closed, and aircraft are going to be allowed to operate off of or onto a closed runway/ Waterlane/ or frozen Waterlane, then before that happens the State and the FAA need to ensure there are written and published procedures in place so the flying public and all pilots know the rules of the road so as to speak and there are as you put it “no unintended consequences”. No one and especially me wants to experience any unintended consequences of any sort and that’s why I am putting so much of my time in trying to effect a change.

It is clear from your statements that you and your staff do not fully understand the issues associated with NOTAM closing a facility, but inviting to continue using while closed at the pilots own risk. First the FAA tower is

no longer able to provide the same level of services it normal provides when the landing/takeoff surfaces are not closed.

Another of the many other problems. When PALH was NOTAM closed prior to its opening late in the afternoon of March 1, the notice said only that 'it was closed'. It gave no reason for the closure, which is consistent with the way like NOTAM closures have been given in the past are still be given. The phrase "use at pilots own risk" was never, as far as I can determine, included in any past NOTAM issued by your or your staff or your predecessors regarding the Lake Hood Seaplane Base or Lake Hood Strip. This phraseology was only used in the Lake Hood Seaplane Base ATIS radio broadcasts.

The Lake Hood Seaplane base ATIS can not be accessed by phone. Therefore in order for a pilot to access this information one has to be in radio range in order to receive this information. Pilots who were not within range of the Lake Hood ATIS radio signal at Anchorage could not access this information. Advising only over the ATIS that the facility, even though closed, could be used at ones own risk, and not stating in the NOTAM that pilots could use the facility at there own risk and the reason for the closure withheld crucial information from pilots.

The issues of advising pilots to use a closed facility at their own risk presents a host of issues and questions, all of which should have been addressed and resolved long ago before the present procedure was ever implemented. Some of these are;

- 1. Why was not "land at your own risk" made a part of NOTAM?*
- 2. Should information not in a NOTAM be put just on a transcribed recording and put out over the airways by an ATIS?*
- 3. Is the statement "land at your own risk", when put out over an ATIS, an invitation to use the closed facility? I think it is! If it is an invitation to use the facility, why NOTAM it closed if you are going to allow its use?*
- 4. There is the insurance issue for Air Taxis, with regards to FAA and State regulatory requirements. (I have never seen a clear statement from an Insurance provider stating the insured air taxi is covered for sustained operations at a NOTAM closed airport facility. I believe the FAA and State have turned a blind eye to this issue.)*
- 5. Are passengers onboard or boarding a commercial flight entitled to be advised that the state has determined the airport of intended use to be unsafe for aircraft operations? What's the FAA position?*

The ATIS on Sunday the 13th did not contain the statement "that all operations will be at pilots own risk" when stating the North/ South landing area was closed; However some pilots advised Lake Hood Tower they wanted to land on the North/South anyhow; where upon the Tower again advised them the North/ South is closed. Pilots that came back and either asked for or told the tower they were or wanted to land on the North/South anyway were then told "all operations will be at your own risk". The Tower controller, in the cases I heard was doing exactly what FAA procedures require the Tower controller to do when a pilots asks (appears to insist) on landing or taking off from a closed runway after having been told it was closed.

It is of concern that the pilots who are not used to being denied the use of a NOTAM Closed runway may not have noticed the change in the ATIS message that the expression "all operations will be at your own risk" had been omitted. The pilots who asked to use the closed North/South heard the Tower tell them "all operations will be at your own risk" only after they the pilot advised the Tower after the Tower had told them one or more times that the North/South was closed. The controller was following the FAA's Tower Controller's Guidelines when confronted with a pilot who insists on using a closed facility after being told more than once that it was closed. It is my belief that pilots who now land or takeoff from a closed runway at the Lake Hood Sea Plane base are opening themselves up to a FAA regulation/rule violation.

Other surfaces were available and open for use. There was no intended or perceived restriction to taxiing across the N/S channel to operate. While taxiing through overflow is certainly not recommended, it should not have the serious consequences that landing or trying to takeoff through overflow could have. Runways at certificated airports are often closed but aircraft are allowed to cross at open taxiways. While we don't have as much definition on the lakes this is a similar process.

Is Lake Hood Seaplane Base PALH and Gravel Strip Z41 a certificated airport? What's the definition of certificated airport?

My recollection of crossing runways that were NOTAM closed was that the airports ATIS stated crossing could be made at certain spots with the permission of the Tower. No such language was in North/South closure NOTAM or on the ATIS. Thus I do not think one could cross or taxi on the closed North/South surface and not be in violation of a FAA rule or regulation unless a clearance from the Tower was first obtained.

When I landed on Sunday the 13th (to the west on the west water lane) in order to get to my tie down in North Pot

Hole I needed to taxi on and cross the North/South. I asked the Tower to taxi on the North/South to the North Pot Hole parking area. The controller did not clear me to taxi but advised North/South was closed and all operations were to be at my own risk. (They did not clear me.)

As I have admitted above to not knowing the definition of Certificated airport but knowing at Lake Hood the FAA tower would not clear one to do anything on the surface that was NOTAM closed seems odd that, at a certificated airport, they would be doing that unless the NOTAM or airport ATIS said more than just the facility was closed. I would have thought it would say if crossing were to be allowed then crossing could occur when authorized by the Tower.

To the best of our knowledge the overflow (water leak) only impacted the N/S channel. It was closed to takeoff and landing operations. Closing the other surfaces because they intersect that surface at other locations would not have been appropriate.

Why would it not have been appropriate and expected that those portions of the other landing and takeoff areas that cross the North/South would be closed? The NOTAM nor the Lake Hood ATIS did not indicate there were portions of the North/South that were not closed. You already have stated your staff could not ascertain the extent of the flooding impact on the North/South, so how do you know it did not extend so as to impact the area where the other takeoff/landing areas cross the North/South? I agree there was no reason to close those portions of the intersecting runways but you state your staff did not know the extent of the flooding and therefore closed the whole North/South. If they could not ascertain the extent of the flooding how then could they determine the interested landing areas were not impacted? If they had the knowledge that the flooding did not extend onto the intersecting landing areas then why did they close the whole North/South instead of just the impacted areas as I question in my email. Airport management cannot have it both ways. (at least I am going to try keep them from having it both ways)

The Strip was closed due to the snow that was falling and there appeared to be enough snow that normal wheeled aircraft operations could be at risk. Since we did not know when the snow would stop or when we could clear the strip there was no reasonable way to predict when the strip would be opened. Once again I feel that this was properly handled to ensure a safe operating environment. In some cases less than 4 inches could be unsafe depending on the specific conditions.

Why could not your NOTAM have stated why the facility was closed? Not telling pilots what the reasons for the closure was one of the most talked about issues in these "Ski Meetings". You state "this was properly handled to ensure a safe operation environment". How can not telling the public why the strip Z41 was closed was the proper way to ensure "a safe operating environment"? I would like to know how not stating reason for the closure made it safer. Looking forward to hearing your explanation at the next Ski Meeting.

Has the State of Alaska already or is it planning on adopting 4 inches of snow as a criteria for closing ALL of its 200 + airstrips? Or is the State of Alaska only making this requirement applicable to the Hood Lake Strip? If 4 or more inches of snow makes a runway unsafe and requires it to be closed then this same criteria, you would think, would apply to all State airports? If not why not?

As you do not, I understand, have any jurisdiction over the State 200+ other airports would it not be best to have the Deputy Commissioner for Aviation come to the next Ski Meeting and explain the above?

As we attempt to develop a better and more user friendly way of operating I encourage everyone to continue to provide their input. Whenever possible, someone from the airport staff will respond as soon as practical.

Regards,
John P.

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I Choose Respect

The perfect is the enemy of the good - Voltaire

From: Merle Akers [mailto:makers@acsalaska.net]
Sent: Friday, March 18, 2011 9:15 AM
To: Parrott, John E (DOT)
Subject: Closure Lake Hood Sea Plane Base (PALH) and Lake Hood Strip (Z41)

There have been two recent public meetings regarding the subject. I for one thought that between the FAA and the pilots the airport management was going to change its procedures, and not close any portion of PALH or Z41 unless there were men and equipment working on the landing surfaces.

Last weekend March 11, 12 & 13th you NOTAM closed the North - South water lane, due to over flow in the South Cove of Lake Hood. This over flow condition was caused by a broken water main somewhere on Anchorage International Airport. The water from this main was allowed to get into the storm drain that empties into the South Cove of Lake Hood. This pool of water did not appear to reach the threshold of the north take off water lane which has a published length of 1930 feet. . If it did encroach onto the threshold it would have been no more than fifty feet leaving 1880 feet usable.

The overnight temperatures were in the teens. By Sunday afternoon when I first saw this pool of water which was no more than 3-4 inches deep had completely froze over. Yet Airport management did lift the closure until the afternoon of Monday March 13th?

On thing you at least did not close the entire Airport (PALH) which airport management has done in the past. However at the meetings referred to above there was lots of testimony favoring telling the pilots the runway conditions and leaving it up to the pilot to decide if the runway/waterlanes is usable base on the pilots experience and equipment being flown as opposed to closing the facility. I and others assumed airport management was going to start implementing some of these suggestions.

One other difference at last weekend closure of the North - South was the ATIS. The ATIS was not telling pilots that "*all operations would be at their own risk*" as has been the norm for many years, and was always considered an invitation to go ahead and used the closed facility. This issue was subject of concern expressed in the meetings referred to above.

As was pointed out when airport management closes a runway/water lane a whole new series of issues need to be addressed.

Some of the questions that arise

1. Dose a pilot need permission to use a closed runway/waterlane?
2. Will the pilot be violated by the FAA if he/she uses a closed runway/waterlane without permission?
3. Who can give permission "clearance" to use a closed runway/waterlane?
4. When the North -South was closed how were pilots landing on the East - West going to get to their parking areas on the west shore and north pot hole of Lake Hood without taxing on the North - South waterlane?
5. If pilots can taxi on the closed surface of the North - South why can they not also take off and land?
6. As parts of the East - West and Southeast - Northwest waterlanes cross over the North - South should not all or portions of these been also NOTAM'ed Closed?

As and I an many of the others at the above meetings have said over and over again, airport management should not NOTAM close the facility for incidences like the above. When this incidence occurred the airport should have issued an "Advisory" not a Closure, stating the South 50ft, 25ft, 10ft or what ever of the north - South waterlane is unusable due to water (overflow).

Yesterday March 17th the Lake Hood Strip was NOTAM closed. It had snowed and the strip probably had 4-5 inches of new snow. However the NOTAM did not say:

- why the strip was close,
- when it would be reopened

Why does not the Airport Management feel it necessary to tell the General Pilots what is going on?

Ted Stevens International Airport had NOTAM's out also. They were very informative told which runways to expect to be closed for snow removal when they expect to have them reopened ect.

But the Lake Hood Strip is just NOTAM Closed!! No reason given, or time when it might be reopened.

I notice that the Lake Hood ATIS stated the Lake Hood Strip was closed. It did not state that all operations would be a pilots own risk. Yet I notice that there were tracks on the strip that indicated that aircraft had been landing and or taking off.

This concerns me as pilots who have long been use to these facilities being closed my not be picking up the fact that the ATIS was not stating all operations will be a pilots own risk, as it use to. What most pilots would not know is that when a runway is NOTAM closed and a pilot asks to take off anyway, after being advised by the Tower that it is closed, the FAA Tower procedures require their Tower Personnel to advise the pilot "*that the runway is closed and that all operations will be at his/her own risk*", which is the same phraseology use in past ATIS messages but not in the current ATIS. What this all boils down to is that when the phrase "*the runway is closed all operations will be at your own risk*" was on the ATIS this was an invitation to go ahead and use the closed facility, FAA FSDO will not violate you. However this invitation was not on the ATIS either yesterday or Sunday past, so even though a pilot who

requested to use a closed runway, heard the phraseology he/she was use to hearing, the circumstance had changed (they were being given that instruction under a totally different set of circumstances), and now they are open to being violated by the FAA FSDO if they land or take off from a NOTAM closed runway, just because it is NOTAM close.

At your next Public meeting Tuesday March 29th, 2 p.m. at the General Aviation Office, I hope you ask FAA to address the above issue. And if there has been a change as I suggest there has been how they intend to get the word out to pilots.

MERLE AKERS